

105TH CONGRESS  
2D SESSION

# H. R. 4471

To require Executive agencies to identify which of its regulations impose requirements which conflict with the requirements of other Executive agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. HOEKSTRA introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To require Executive agencies to identify which of its regulations impose requirements which conflict with the requirements of other Executive agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Regulatory Harmoni-  
5       zation Act”.

6       **SEC. 2. CONFLICT LIST.**

7       (a) GENERAL RULE.—Within 180 days of the date  
8       of the enactment of this Act and annually thereafter, each

1 Executive agency shall publish a proposed list of which  
2 of its regulations impose requirements which are poten-  
3 tially in conflict with the requirements of the regulations  
4 of another Executive agency or with the requirements of  
5 legislation.

6 (b) PUBLICATION AND COMMENT.—When an Execu-  
7 tive agency publishes its proposed list under subsection  
8 (a), such agency shall in such publication provide oppor-  
9 tunity for public comment on its list. The agency shall pro-  
10 vide at least 150 days for such comment.

11 (c) PUBLICATION OF FINAL LIST.—Based on the  
12 comments received under subsection (b), an Executive  
13 agency shall revise its proposed list and publish a final  
14 list not later than 180 days after the publication of the  
15 proposed list under subsection (a).

16 (d) PROPOSED CHANGES AND RECOMMENDA-  
17 TIONS.—Within 180 days of the date of the publication  
18 of a final list under subsection (c), each Executive agency  
19 shall—

- 20 (1) publish proposed changes in its regulations  
21 to resolve the conflict identified by the agency in the  
22 list published under subsection (c); and
- 23 (2) submit to Congress recommendations for  
24 changes in legislation to resolve the conflict identi-  
25 fied under subsection (c).

1 Within 360 days of the date of the publication of proposed  
2 changes under paragraph (1), such proposed changes shall  
3 be issued as final changes.

4 (d) ENFORCEMENT.—Upon the expiration of 36  
5 months after the date of the enactment of this Act, it shall  
6 be an affirmative defense to a civil action brought against  
7 a person to enforce a Federal regulatory requirement that  
8 such requirement is potentially in conflict with another  
9 regulatory requirement with which such person is in com-  
10 pliance.

11 **SEC. 3. DEFINITIONS.**

12 For purposes of this Act—

13 (1) the term “Executive agency” has the mean-  
14 ing prescribed for such term by section 105 of title  
15 5, United States Code;

16 (2) the term “potentially in conflict” means  
17 that a requirement of a Federal regulation overlaps  
18 with, is inconsistent with, or conflicts with another  
19 requirement of a Federal regulation or Federal stat-  
20 ute and includes establishing labeling requirements  
21 that are not identical for the same product, estab-  
22 lishing packaging requirements for the same product  
23 that are not identical, establishing training require-  
24 ments that are not identical on the same subject  
25 matter, or establishing third party notification or

1 warning requirements that are not identical for  
2 goods or services;

3 (3) the term “resolve the conflict” to amend a  
4 regulation or a law so that a regulation is no longer  
5 potentially in conflict; and

6 (4) the term “regulation” means any Federal  
7 regulation or any other administrative agency action  
8 that has the force of law.

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